

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Timothy O. Head, #B-225,)	
)	C/A No.: 0:05-2925-MBS-BM
Plaintiff,)	
)	
vs.)	
)	ORDER
Sumter Police Department, Officer)	
Dubose, and Officer Turner,)	
)	
Defendants.)	
_____)	

Plaintiff Timothy O. Head is a pretrial detainee at the Sumter-Lee Regional Detention Center. Plaintiff, appearing pro se, brings this complaint pursuant to 42 U.S.C. § 1983, alleging that his constitutional rights have been violated in certain respects.

This matter is before the court on Plaintiff's motion for summary judgment filed April 7, 2006. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bristow Marchant for pretrial handling. The Magistrate Judge issued a Report and Recommendation on May 18, 2006 in which he recommended that Plaintiff's motion be denied because Plaintiff has not presented sufficient evidence to show that judgment on the pleadings is appropriate, and there are no genuine issues for trial. Plaintiff filed objections to the Report and Recommendation on May 26, 2006.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by

the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

Plaintiff's response does not direct the court to a specific error in the Magistrate Judge's proposed findings and recommendations. Rather, Plaintiff continues to assert that public records and affidavits "being prepared" support his motion for summary judgment. As the Magistrate Judge correctly noted, Plaintiff cannot obtain summary judgment based solely on the general and conclusory arguments presented in his motion.

The court has thoroughly reviewed the record and concurs in the Report and Recommendation of the Magistrate Judge. The court incorporates the Report and Recommendation by reference. Plaintiff's motion for summary judgment (Entry 36) is **denied**. The within action is recommitted to the Magistrate Judge for further pretrial handling.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

August 9, 2006

Columbia, South Carolina